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CENTRAL FAX CENTER

Serial No. 10/790,968  
Attorney Docket No.RSW920040009US1  
Amendment and Request for Continued Examination

NOV 08 2006

**REMARKS**

The examiner rejected claims 1-34 under 35 USC 103(a) as being unpatentable over Erb (US 2004/0142703) in view of Burgess (US 2006/0094404). The Burgess reference cited by the examiner was filed and published after the filing date of the present invention, but is a continuation of an earlier filed application. Applicant has amended each of the independent claims to include the limitation "wherein the action comprises a plurality of telephone behaviors." Support for the amendment can be found in paragraph [0035] of applicant's specification.

Erb discloses an apparatus and method for controlling the delivery of an incoming call, but does not address the behavior of the phone. Erb redirects calls based on a plurality of conditions associated with the phone. Further, Erb does not teach a controller on the telephone device, but rather at a switch or other external device. Burgess discloses a communications controller that "manages and controls incoming communications ...," and a disclosed embodiment of the communications controller is located on the phone. The communications controller of the Burgess reference merely determines whether or not an incoming call is blocked or passed to a communication device. (see Burgess at [0054]) Determining whether to block or allow a call is *a single behavior*. Burgess does not teach a plurality of behaviors as an action in response to the reception of an incoming call.

Unlike Burgess, the present invention describes a plurality of behaviors, such as: changing the ring tone, changing the ring volume, playing a specific message to the caller, or ringing after a predefined delay. (see specification at [0035]) The present invention gives the call recipient more options than blocking an undesired call as

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disclosed by Burgess. Neither Erb or Burgess, singly or in combination, disclose controlling the behavior of a telephone where an action by the phone comprises multiple telephone behaviors.

Because of the additional element in the claims of the present invention, and supported by the specification, is not obvious in light of the cited references, the applicant submits that the claims of the present invention are distinguishable over Erb in view of Burgess.

Respectfully submitted,

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